

May. 6. 2021 12:08PM

No. 0617 P. 2

FILED**MAY 06 2021**APPELLATE COURTS
OF THE
STATE OF ALASKA

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IN THE COURT OF APPEALS FOR THE STATE OF ALASKA

ALASKA DENTAL ARTS, LLC)
)
Appellant,)
)
vs.)
)
THE SUPERIOR COURT OF THE)
STATE OF ALASKA)
)
Appellee.)

App.Ct. No. A-13816

Trial Ct. Case No. 3AN-17-02990CR
3AN-17-02991CR
3AN-17-02992CR

NOTICE OF INTENT TO FILE ORIGINAL APPLICATION FOR REVIEW

Appellant, Alaska Dental Arts, by and through counsel, hereby provides notice that it intends to file an Original Application for Review from the Superior Court's "Order Upon Review of Motions for Reconsideration of this Courts [sic] December 14, 2020 'Order of Restitution and Disposition of Frozen Funds,'" distributed April 5, 2021. This filing will be submitted consistent with Section 1 of the Alaska Supreme Court's recent Order 1968 which extends all filing deadlines for the week of May 3, 2021 to May

Notice of Intent to File Original Application for Review
State v. Seth Lookhart, Case No. 3AN-17-02992CR
JJT/JAR/jap/2960-1/NoticeIntentFileOriginalApplicationReview
Page 1 of 3

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No. 0617 P. 3

1 11, 2021 due to the recent cyberattack on the Alaska Court System
2 and resulting disconnection of online Court services. A copy of
3 the Order is provided herewith.
4

5 DATED at Fairbanks, Alaska this 6th day of May, 2021.

6 CLAPP PETERSON TIEMESSEN
7 THORSNESS, LLC
8 Counsel for Appellant,
9 Alaska Dental Arts

10 By: /s/John J. Tiemessen
11 John J. Tiemessen
12 Alaska Bar No.: 9111105
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No. 0617 P. 4

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CERTIFICATE OF SERVICE

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was served via e-mail and believed to be completed
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5

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14

By:

Dianna L. Clark

16

Date/Time:

5/6/2021

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Notice of Intent to File Original Application for Review

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State v. Seth Lookhart, Case No. 3AN-17-02992CR

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Page 3 of 3

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No. 0617 P. 5

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA**THIRD JUDICIAL DISTRICT****STATE OF ALASKA,****Plaintiff,****vs.****LOOKHART DENTAL LLC
D/B/A CLEAR CREEK DENTAL, LLC****Defendant.****Case No. JAN-17-2992-CR****ORDER UPON REVIEW OF MOTIONS FOR
RECONSIDERATION OF THIS COURTS
DECEMBER 14, 2020 "ORDER OF RESTITUTION
AND DISPOSITION OF FROZEN FUNDS"**

On December 14, 2020, this court entered its "Order of Restitution and Disposition of Frozen Funds."

Thereafter, various motions to reconsider this order were filed. This court then invited any and all parties who wished to do so to respond to the motions for reconsideration.

As the court attempted to make clear in its December 14, 2020 order, it was persuaded by the argument presented by Assistant Attorney General Scott Friend on behalf of the Department of Health and Social Services (DHSS) that in essence, the total amount of the frozen funds represent ill-gotten gains from Dr. Lookhart's criminal activity, and should be returned to DHSS.

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No. 0017 P. 0

As was pointed out in the briefing on the motions for reconsideration, under Criminal Rule 42(k)(1), a party may move the court to reconsider a ruling previously decided if, in reaching its decision, the court has overlooked or misconceived some material fact or proposition of law.

After a careful review of the excellent briefing filed with respect to the motions for reconsideration, this court does not believe that it overlooked or misconceived some material fact or proposition of law in reaching the conclusions of its original December 14, 2020 order.

Therefore, that original order continues to stand.

ENTERED this 2nd day of April, 2021, at Anchorage, Alaska.


MICHAEL L. WOLVERTON
Retired Superior Court Judge

I certify that on 4/5/21
a copy of the above was mailed to:

Santa/Fitzgerald / Moore / Friend / Ericksen
Caw
Tiemesse / McFarland

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No. 0017 P. 1



ANCHORAGE

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**CLAPP PETERSON TIEMESSEN
THORSNESS LLC**

*Celebrating 20 years of service
1995-2021*

FAIRBANKS

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Megan E. Edlund
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Marcus R. Clapp
1942 - 2009

FACSIMILE TRANSMITTAL SHEET

Date: May 6, 2021

To: Anchorage Courthouse Appeals Department
Clerk's Office

Fax No.: 907-264-0878

From: Dionna L Clark

Re: Appt. Ct. No. A-13816 Alaska Dental Arts, LLC v The Superior Court of the State
of Alaska

Number of Pages Being Transmitted (including this cover sheet): 6

Special Message: I am sending the following to be filed today with the Court.

Notice of Intent To File Original Application for Review

Thank you,

Dionna L Clark
Clapp Peterson
907-479-7784
dlc@cplawak.com

Archive notice

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Page 1

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